

REMARKS

The present amendment and request for reconsideration is filed in response to the Office Action mailed March 11, 2005, the period of response having been extended to August 11, 2005. Claims 1, 5, 7, 15, 17, and 63-65 are pending in the application.

In the Office Action, Claims 1, 4, 5, 7, 9, 15, 60, and 62 were rejected under 35 U.S.C. § 103 as being unpatentable over Tucker, U.S. Patent No. 5,895,412, in view of Deak, U.S. Patent No. 5,982,801. Applicant respectfully traverses the rejection.

In the Office Action, the Examiner states that it would have been obvious to an artisan of ordinary skill in the art to employ the laser of Deak in the method of Tucker because the laser of Deak is simple and requires few parts. However, Applicant respectfully submits that the Examiner has not cited any teaching or suggestion in the references themselves that would suggest the desirability of using a sonoluminescent laser such as that described in the Deak patent in a medical procedure. For example, the Examiner has not cited any suggestion within the Tucker patent that indicates a sonoluminescent laser could be used to provide light inside a patient's body. Furthermore, the Examiner has not cited any suggestion within the Deak patent that indicates the desirability of using a sonoluminescent laser in a medical procedure or how the sonoluminescent laser described could be adapted for placement on an elongated medical device. Applicant submits that nothing in the cited combination teaches or suggests an elongated medical device with a source for producing sonoluminescent light at the distal tip thereof including a housing that is shaped to concentrate acoustic waves within an acoustic conducting medium, a piezoelectric transducer, a wave matching layer positioned adjacent the piezoelectric transducer, a focusing lens having a flat surface adjacent the wave matching layer and a concave surface adjacent the acoustic conducting medium. Because the Examiner has not pointed to any teaching or suggestion in the references that suggests the claimed combination, it is submitted that the

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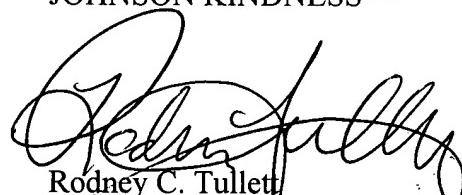
rejection is based on an improper hindsight review of applicant's invention. Therefore, a *prima facie* case of obviousness has not been established and Claim 1 and the corresponding apparatus Claim 64 are allowable.

With respect to the remaining rejections of dependent Claims 5, 7, 15, 17, 63, and 65 and 65, it is submitted that these claims depend from and further define allowable Claims 1 and 64, and are therefore allowable for at least this reason.

In light of the above, it is requested that the Examiner withdraw the rejections and pass this case to issue at the earliest possible date.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: August 3, 2005 Amelia Juhue

RCT:ejh

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